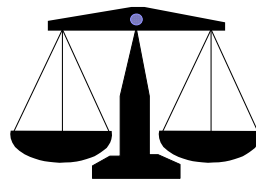


CITY OF CINCINNATI



Twelfth Status Report to the Independent Monitor

May 12, 2005



Cincinnati Police Department

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Police Relations Section

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I. INTRODUCTION

In April 2001, the Mayor of Cincinnati, and other interested persons within the City, requested the United States Department of Justice (DOJ) to conduct a review of the Cincinnati Police Department's (CPD) policies and procedures, specifically those that related to the uses of force. This request indicated the City's commitment to minimizing the risk of excessive Use of Force in the CPD and to promoting police integrity. In response to these requests, the DOJ launched an investigation pursuant to authority granted under 42 U.S.C. 14141, the Violent Crime Control and Law Enforcement Act of 1994.

The DOJ's investigation, conducted with the full cooperation of the City, included extensive interviews with City and CPD officials, CPD officers, leaders of the Fraternal Order of Police (FOP) and the African-American police officers' association (Sentinels), community members and civil rights organization representatives.

At the close of the investigation, which lasted approximately one year, the DOJ determined that the jurisdictional requirements of 42 U.S.C. 14141 were sufficiently satisfied to permit the Parties to enter into the **Memorandum of Agreement (MOA)**. As a result of the City's and the CPD's high level of voluntary cooperation and willingness to implement meaningful change, the DOJ believed the MOA, rather than contested litigation, represented the best opportunity to address the DOJ's concerns. On April 11, 2002, history was made in the City of Cincinnati. The City of Cincinnati and the United States Department of Justice entered into the landmark Agreement.¹

At the same time, representatives for the City, the Cincinnati Black United Front (CBUF), the American Civil Liberties Union of Ohio (ACLU), and the Fraternal Order of Police (FOP) executed the **Collaborative Agreement (CA)**. Brought about in part by a series of legal actions citing patterns of discrimination by police, this latter Agreement also served as an alternative to court litigation. Under this Agreement, the Federal District Court introduced a process where various stakeholders in the community could examine the broader social conflicts in the City by gathering the views of as many citizens as possible on improving the relationship between police officers and the community. Through the distribution of questionnaires and a series of public meetings involving different segments of the community, the following goals became the cornerstones of the Collaborative Agreement:

¹ Neither the City's entry into this Agreement, nor its decision to implement changes in CPD policies and procedures is an admission by the City, the CPD, or any officer or employee of either, that any of them have engaged in any unconstitutional, illegal, or otherwise improper activities or conduct.

1. Police officers and community members will become proactive partners in community problem solving.
2. Police officers and community members will build relationships of respect, cooperation, and trust within and between the police and the citizens.
3. Police officers and community members will work to improve education, oversight, monitoring, hiring practices, and accountability of the Cincinnati Police Department.
4. Police officers and community members will ensure fair, equitable, and courteous treatment for all by members of the police department.
5. Police officers and community members will create methods to establish the public's understanding of police policies and procedures and to recognize exceptional service provided by members of the police department.

Implementation of both Agreements will not only reform police practice, but will enhance trust, communication, and cooperation between the police and the community. The settlements have fostered a union that has motivated all segments of the community to come together and focus on building the positive and productive relations necessary to maintain a vibrant city core and surrounding metropolitan area. The City of Cincinnati is enthusiastic and committed to this endeavor and has already begun initiatives to involve virtually all City departments in the process.

The two Agreements will be overseen by an Independent Monitor. Consistent with the consensus decision-making process incorporated in the collaborative process, all collaborative partners unanimously selected the independent monitor.

II. GENERAL POLICIES

A. Mental Health Response Team (MHRT)

The MOA's requirements with regard to the MHRT are located in paragraph 10.

Monitor's Previous Assessment

The Monitor found the CPD to be in compliance with these requirements.

Status Update

Training

The Police Academy, in partnership with mental health professionals, has scheduled a 40-hour training course for 30 new MHRT officers in late June.

In early April, the CPD was awarded an Honorable Mention in the Ohio Crime Prevention Association's "Thinking Outside the Box" program for its partnership with the mental health community.

MHRT Availability

To ensure the availability of MHRT officers 24/7 and city-wide, the CPD continues to track the number of MHRT officers deployed on a daily basis. The tracking process allows the CPD to take a look at MHRT staffing levels by shift, district, and department-wide. According to the January, February, and March staffing reports, the CPD was able to provide consistent MHRT service. The MHRT staffing reports are included in Appendix Item 1.

MHRT Officer Dispatch Summary

Effective May 1, 2003, the Police Communications Section began to record the dispatch disposition of MHRT officers to all calls involving suspected mentally ill individuals. When dispatching these calls, the dispatcher makes an entry into a designated field for all MHRT calls, indicating one of the following dispositions:

- MHD - A MHRT unit was dispatched to the call.
- MHNA - A MHRT unit was not dispatched because all MHRT units city-wide were busy.
- MHNW - There were no MHRT units working in the city.

During this reporting period, the CPD documented (via the Computer Aided Dispatch report) 1,452 calls involving mentally ill persons. In 99 of those instances, the call did not meet the criteria for dispatch and was cancelled or the call was handled by another agency. In 202 cases, the call was dispatched as another incident type and later changed to a MHRT by the responding officers. An additional 41 calls handled were categorized as "unknown." This equates to 1,110

calls eligible for MHRT officer dispatch. For 1025 of the calls, a MHRT officer was dispatched. For this reporting period, there were only 11 calls for which a MHRT officer was working but not available for dispatch, and there were no instances for which a MHRT officer was not working. A monthly analysis of these calls is included in Appendix Item 2.

Mobile Crisis Team Workers

The Psychiatric Emergency Services Department of University Hospital continues its partnership with the CPD. This partnership has enabled Mobile Crisis Team personnel to work within police districts in conjunction with police personnel. Currently, the program operates in Districts One and Five.

For the first quarter of 2005, statistics were maintained for individuals in both districts who could be identified as being in need of mental health services. Identification is made through an incident history, police reports (Form 316), or by hospital records. Information regarding the number of MHRT runs handled by police, the Mobile Crisis Team, or a combination of both is also tabulated. Once an individual has been identified, social demographic data regarding the subject and the outcome of each incident is documented and entered into a database in each of the districts.

2005 First Quarter	District One	District Five
Total runs	240	221
CPD only	146	123
Mobile Crisis Team only	32	34
CPD assisted by the Mobile Crisis Team	50	46
Mobile Crisis Team assisted by CPD	12	18
Total individuals identified	176	145
Mobile Crisis Team consultations	3	0

B. Foot Pursuits

The provisions of the MOA related to foot pursuits are located in paragraph 11.

Monitor's Previous Assessment

The CPD's policy and training on foot pursuits is in compliance with this MOA paragraph. The Monitor will assess compliance in actual practice in their next quarterly report.

Status Update

Supervisors continually review foot pursuits in every Use of Force report in relation to the chase being tactically sound and in conformance with the CPD's policy and procedure. The tactical and risk considerations involving foot pursuits were reiterated this quarter during roll call training. The related roll call training calendars are included in Appendix Item 26.

III. USE OF FORCE POLICY

A. General Use of Force Policies

The MOA's requirements pertaining to use of force are located in paragraphs 12 and 13.

Monitor's Previous Assessment

The Monitor has previously determined that the CPD's Use of Force policy and training are in compliance with the MOA provisions.

Status Update

Nothing to report.

B. TASERS

Monitor's Previous Assessment

On March 17, 2005, the Monitor submitted to the City and the DOJ a proposal for TASER investigation and documentation to resolve any disputes related to MOA paragraphs 24-27. The proposal will be used to reach agreement between the City and the DOJ on TASER investigations and documentation.

Status Update

The aforementioned proposal is being addressed by the CPD under separate cover.

There were 137 TASER deployments in the first quarter of 2005. TASER usage has declined over the past two quarters:

Third quarter 2004	198
Fourth quarter 2004	148
First quarter 2005	137

There were 16 minor injuries associated with the 137 deployments. The injuries occurred as a result of the subject falling to the ground after deployment.² Forty-six percent (46%) of deployments this quarter were the result of a foot chase.³

² Injuries from TASER deployments are summarized in Appendix Item 3.

³ TASER deployments involving foot pursuits are itemized in Appendix Item 4.

Use of force, as a whole, has **declined 3.2%** in the past 12 months:

Use of Force⁴
04/01 to 03/31

	04/01/03 – 03/31/04	04/01/04 – 03/31/05	Change
Chemical irritant	364	77	
Physical Force (18F, 18I, 18NC)	569	258	-55%
PR24	12	1	
Beanbag/Foam	5	0	
Pepperball	8	1	
TASER	74	660	
Canine	13	15	
Firearms	4	3	
Total	1049	1015	-3.2%

The most impressive figure in this table is the **55% reduction** over the previous 12 months in instances where officers had to **engage noncompliant subjects**. The TASER has reduced the need for officers to have physical, often violent, encounters with resistive subjects.

The table below highlights a **34% decrease in injuries to suspects/prisoners** over the last 12 months:

Suspect/Prisoner Injuries Resulting from Police Contact⁵

	04/01/03 – 03/31/04	04/01/04 – 03/31/05
Hard hands with injury and foot pursuits	216	96
Beanbags	1	0
Pepperball	8	0
40 mm foam	1	0
TASER	7	94
Other force⁶	74	14
Total	307	204

Additionally, **injuries to officers resulting from arrests and assaults dropped 59%** over the last 12 months (69 between 04/03 and 03/04, and 28 between 04/04 and 03/05).

⁴ Use of Force statistics for the current reporting period have been included in Appendix Item 5.

⁵ Does not include ingestions of contraband, injuries sustained to prisoners as a result of a vehicle crash from a pursuit, injuries from canine bites, etc. (any injury where the TASER would not have been a force option in an incident is not included). In regards to contraband, suspects normally swallow contraband before the officer comes in contact with them.

⁶ Includes strikes, kicks, PR 24, firearms

The following are examples of TASER incidents from the first quarter in which officers used this non-lethal force alternative in lieu of deadly force:

➤ **Report 2005-61382 – January 26, 2005**

A suspect fled a vehicle on foot after leading officers in a pursuit. The officers caught the suspect, but he refused to be handcuffed. During the struggle, one of the officers observed the butt of a handgun protruding from the suspect's jacket. The officer warned the suspect of impending TASER usage. The suspect continued to resist handcuffing, at which time the officer administered a drive stun. The suspect then complied with the officers' commands and he was handcuffed without further incident. The loaded firearm was recovered and the suspect was not injured.

➤ **Report 2005-61504 – January 28, 2005**

Officers observed a suspect involved in a hand to hand drug transaction with another individual. As the officers approached, the suspect fled on foot. The pursuing officer gave warning before deploying his TASER. The TASER took effect and caused the suspect to fall to the ground. During the five second cycle, the officer observed the suspect put his hand in his vest pocket. The suspect ignored the officer's orders to stop his movements. The officer cycled his TASER for an additional five seconds. The suspect continued to struggle to pull his hand from his pocket. The officer administered a drive stun, at which time the back-up officer arrived and the suspect was arrested without further incident. The officers recovered a loaded .25 caliber pistol from the suspect's vest pocket. The suspect sustained a small laceration on his finger when he initially fell on the ground.

➤ **Report 2005-63309 – March 16, 2005**

Officers responded on a Domestic Violence call. Upon arrival, the officers could hear a female inside the residence begging her husband to let her open the door for the officers. The officers could also hear the wife screaming for the husband not to cut her with a knife. The officers forced their way into the apartment to find the husband, on top of his wife, with a knife held to her chest. One of the officers gave warning of impending force before deploying his TASER. The officer's TASER cycled as the husband attempted to stab his wife in the chest. The TASER caused the husband's body to stiffen and he dropped the knife. He was arrested without further incident and suffered no injuries related to the TASER.

➤ **Report 2005-63666 – March 23, 2005**

Delhi Police Department officers responded on a disorderly intoxicated subject call. Upon the officers' arrival, the father of the intoxicated subject came out of the apartment with a hatchet in his hand and yelled for the officers to shoot him. The officers put out an "officer needs assistance" call. A CPD officer arrived as the subject was raising the hatchet towards the officers. The CPD officer immediately deployed his TASER, which resulted in the subject dropping the hatchet. The subject refused to be handcuffed, resulting in several drive stuns before he could be brought under control. Neither the officers nor the subject was injured in the incident. The Delhi corporal involved in the situation stated had it not been for the TASER, he was certain they were going to have to use

deadly force. A letter received from the Delhi Police Chief related to the incident is included in Appendix Item 6.

In all, there were eight TASER incidents in their first quarter where the suspect had a deadly weapon on their person.⁷

Also of note were three incidents in the first quarter where the use of the TASER thwarted suicide attempts (report numbers 2005-60587, 2005-63890, and 2005-63957).

C. Chemical Spray

The MOA provisions pertaining to chemical spray are found in paragraphs 14, 15, and 16.

Monitor's Previous Assessment

The CPD's policies regarding the use of chemical spray comply with the MOA.

Status Update

There were 19 deployments of chemical irritant for the first quarter. They have been summarized in Appendix Items 7, 8, 9, 10, and 11. Of the 19 reports, only one does not document a warning of impending force (2005-64050). The report explains the exigent circumstances which existed justifying why no warning was given.

Decontamination of sprayed individuals occurred in all but one of the deployments. In that incident (2005-63411), the subject refused decontamination assistance from the officer.

D. Canine

The MOA provisions relating to canine policy are located in paragraph 20.

Monitor's Previous Assessment

The CPD's canine policy meets the requirements of the MOA.

Status Update

Canines were deployed in connection with 139 incidents during the first quarter. As a result, 30 individuals were located with 6 of those suspects being bitten by a dog. This equates to a 20% unit bite ratio.

⁷ The remaining four incidents were report numbers 2005-61309, 2005-61796, 2005-62821, and 2005-63655.

The canine bite ratio reports generated pursuant to MOA paragraph 20 are included in Appendix Items 12, 13, and 14. These reports examine the following six-month periods:

August 1, 2004 – January 31, 2005
September 1, 2004 – February 28, 2005
October 1, 2004 – March 31, 2005

Bite ratios for these periods remain below the 20% threshold.

Copies of the six bite reports are included in Appendix Item 15. The statistics generated by the Canine Deployment Database have been included in Appendix Items 16 and 17.

E. Beanbag Shotguns / 40mm Foam Rounds / Pepperball

The MOA provisions relating to beanbag shotguns and 40mm foam rounds are located in paragraphs 21, 22, and 23.

Monitor's Previous Assessment

The CPD is in compliance with the MOA requirements relating to beanbag shotgun deployment.

Status Update

During the first quarter of 2005, there were no incidents involving the deployment of the beanbag shotgun, 40 millimeter, or Pepperball launcher.

IV. INCIDENT DOCUMENTATION, INVESTIGATION & REVIEW

A. Documentation

The MOA provisions relating to documentation are located in paragraph 24.

Monitor's Previous Assessment

Form 18NC – Non-Compliant Suspect Arrestee Report

The Monitor reviewed the three Non-Compliant Suspect/Arrest Report Forms from the previous quarter and concluded that the CPD is in compliance with the requirements applicable to these incidents.

Takedowns with Injury

The Monitor reviewed the six Injury to Prisoner Reports from the previous quarter. The Monitor states the CPD is “not yet in compliance with the reporting requirements for these incidents,” due to the inconsistency in the supervisors’ assessments of the involved officer’s initial stop or seizure, and of the officer’s use of force.

In regards to the outstanding issue of whether taped statements are mandated in Injury to Prisoner investigations, the Monitor stated he does not believe it is necessary to impose such a requirement.

TASERS

The Monitor notes that the City and the DOJ are reviewing the Monitor’s proposal for a reporting requirement for TASER incidents.

Status Update

Form 18NC – Non-Compliant Suspect Arrestee Report

Nothing to report.

Takedowns with Injury

This issue of addressing the propriety of the initial contact and force used has been addressed with district/unit commanders. Future reports should reflect these points being addressed in the narratives.

TASERS

Nothing to report.

B. Investigation

The MOA provisions relating to investigation are located in paragraphs 26, 27, 28, 29, 30, and 31.

Monitor's Previous Assessment

The CPD's policies on investigating Use of Force incidents comply with the MOA.

Status Update

Deputy Monitor Richard Jerome, in a letter dated February 1, 2005, requested the Police Department's Internal Investigations Section reopen case #04069. Mr. Jerome cited paragraph 102 of the Memorandum of Agreement, "in which the Monitor is to provide written instructions to the City for reopening and completing such investigations, if the disposition has not yet been officially communicated to the officer who is the subject of the investigation."

In his letter, Mr. Jerome requested two (2) cases investigated by the Citizen Complaint Authority be reopened as well.

Internal Investigations Section case #04069 was approved by Police Chief Thomas H. Streicher, Jr. and closed on August 27, 2004. The subject of the investigation was advised of the findings of the investigation at that time.

As the findings of the case were communicated to the subject of the investigation over five (5) months prior to Mr. Jerome's request, the CPD is not required by the Memorandum of Agreement to reopen this case.

The two CCA cases were referred to Mr. Wendell France of the CCA.

C. Review of Critical Firearms Discharges

The relevant provisions of the MOA are located at paragraphs 32, 33, and 34.

Monitor's Previous Assessment

The CPD's policy on critical firearm discharges complies with the MOA. The Monitor reviewed three FDB Reports that were completed and provided to the Monitor. The Board in these Reports determined: (a) that the use of force during the encounter was consistent with CPD policies and training; (b) that the officer used proper tactics; and (c) that lesser force alternatives were not reasonably available. Because the Monitor does not have the CIS and IIS investigations of these firearms discharges, however, they could not determine whether the CPD was in compliance with the requirement that the Board review each IIS and CIS investigation, interview the principal CIS and IIS investigators, and include in its report a summary and analysis of all relevant evidence.

The FDB also completed a 2004 summary report for the Chief of Police, in compliance with paragraph 34(f).

Status Update

There was one incident of a firearm discharge at a suspect in the first quarter of 2005. There were three outstanding investigations in the first quarter. Their status is as follows:

Police Investigation Number	Status
04-pi-03	FDB report was approved by Chief Streicher on March 11, 2005.
04-pi-05	FDB report was approved by Chief Streicher on April 27, 2005. ⁸
05-pi-01	CIS currently investigating

In regards to the Monitor's comments regarding the investigations reviewed last quarter, the files relating to those investigations will be reviewed during an upcoming site visit.

⁸ Copies of the FDB reports from 04-pi-03 and 04-pi-05 are included in Appendix Item 18.

V. CITIZEN COMPLAINT PROCESS

A. Openness of the Complaint Process

Paragraphs 35 and 36 of the MOA deal with the openness of the complaint process.

Monitor's Previous Assessment

The City is in compliance with the MOA requirement that complaint forms and informational material be made available in public buildings such as City Hall, the library and CPD District buildings, and that officers carry forms and materials in their vehicles at all times while on duty.

Status Update

Nothing to report.

B. Means of Filing and Tracking Complaints

Paragraphs 37 and 38 of the MOA deal with the tracking and filing of complaints.

Monitor's Previous Assessment

Nothing noted.

Status Update

Nothing to report.

C. Investigation of Complaints

Paragraphs 39 thru 50 deal with the investigation of complaints.

Monitor's Previous Assessment

Based on the data provided by the CPD from the fourth quarter of 2004, the CPD is not yet in compliance with the requirement that investigations be completed within 90 days of receiving the allegations.

The Monitor stated complaint investigations from the fourth quarter of 2004 and the first quarter of 2005 will be assessed in their next report.

Status Update

IIS Investigations

Review of the data of IIS cases closed during the first quarter of 2005 revealed a total of 67 cases cleared during this timeframe. Of those 67 cases, 42 exceeded the 90-day investigative requirement.

A summary of closed IIS cases during this quarter is included in Appendix Item 19.

CCRP Investigations

Review of the data of CCRP cases closed during the first quarter of 2005 revealed a total of 45 cases were cleared during this timeframe. Of those 45 cases, 14 exceeded the 90-day investigative requirement.

A summary of closed CCRP cases during this quarter is included in Appendix Item 20.

D. Adjudication of Complaints

Monitor's Previous Assessment

The Monitor found the CPD to be in compliance with the MOA requirement that each complaint be closed by one of the four dispositions: sustained (including sustained-other), not sustained, unfounded or exonerated.

Status Update

IIS Cases

During the first quarter of 2005, 67 cases involving 68 allegations were investigated and closed by IIS. Those cases were closed as follows:

Sustained	28
Sustained Other	1
Exonerated	14
Not Sustained	9
Unfounded	15

CCRP Cases

During the first quarter of 2005, 45 cases were investigated and closed through the CCRP process. Those cases were closed as follows:

Sustained	7
Sustained Other	1
Exonerated	12
Not Sustained	7
Unfounded	18

Additionally, this quarter the CPD received and processed 38 reports of favorable officer conduct reported on positive contact forms. In addition, there were 159 letters of commendation received recognizing the outstanding performance of CPD officers. A copy of the quarterly report relating to the aforementioned information is included in Appendix Item 21.

E. CCA

Monitor's Previous Assessment

General Operations

The Monitor found the City to be in compliance with this provision of the CCA.

Sample Investigations

The Monitor's next quarterly report will contain their review of CCA investigations and compliance with paragraphs 51-56.

The Monitor has not yet been able to obtain data regarding actions taken after the City Manager has agreed with a sustained determination by the CCA. Thus, the Monitor could not determine whether the City is in compliance with paragraph 55, requiring the City to take "appropriate action, including imposing discipline and providing for non-disciplinary action where warranted."

Status Update

General Operations

Nothing to report.

Sample Investigations

The aforementioned database will be available for the Monitor's review in an upcoming site visit.

VI. Management and Supervision

A. Risk Management and Supervision

Paragraphs 57-66 of the MOA are relevant to risk management and supervision.

Monitor's Previous Assessment

ETS

Although significant progress has been made in putting the ETS system in place, the CPD is not yet in compliance with the MOA provisions for a risk management system. The Monitor will assess the CPD's use of the ETS system and implementation of the requirements of the ETS protocol in the next quarter.

Manual Risk Management System

Because the CPD stopped using the manual risk management system before the ETS system was available for evaluation of officer performance (and because the Monitor has not been provided with documentation that supervisors have reviewed officers' performance through ETS data), the CPD is not in compliance with MOA paragraph 65.

Status Update

ETS

The ETS system went live on October 1, 2004, at 1201 hours. On that date, supervisors began entering data into the database. To date, there have been approximately 9820 cases entered into the system.

Motorola (formally CRISNET) is the vendor. They are currently working on the data conversion for all the old data to be imported into the system. This is expected to be completed early in the second quarter 2005.

Motorola has to make some corrections and modifications to the system. One of the corrections is to the analysis tools and the calculations of the risk-associated-weights to figure the standard deviations. In addition, these corrections and modifications will make the system easier to use and more organized, thus providing better information to the supervisors. It is expected that most of the corrections and modifications will be completed early in the second quarter 2005.

After the data conversion and the analysis tools have been corrected, the Department will perform a test analysis. This analysis, for the first quarter 2005, will be treated as a test analysis so that the analysis process can be

refined to provide for the first official analysis in July 2005 for the second quarter 2005.

Department Risk Management System (DRMS)

The implementation of the ETS this quarter has made the DRMS system obsolete. As stated above, once the data conversion is complete and the analysis portion of the ETS system is refined, ETS will compare the performance of employees assigned to similar organizational and/or peer groups. When used in conjunction with regularly scheduled reviews, supervisors will be able to use this system to assist in the evaluation of employee performance in attention to recognizing individual and group patterns which may warrant further review or intervention (based on standard deviations).

B. Audit Procedures

Paragraphs 67-69 of the MOA deal with Audit Procedures.

Monitor's Previous Assessment

Improvements in the CCRP audit process included (1) documenting which CCRP cases were reviewed; and (2) Inspections' attempt to contact and follow up with complainants. Also, the cases were chosen by a random sample. The Monitor believes these improvements move the CPD toward compliance with the CCRP audit requirement.

The Inspection Section's IIS audit report states that the documents, taped interviews and final reports of the IIS cases reviewed met the CPD's policies and procedures. However, the audit report does not provide documentation of the review that was undertaken, such as checklists or an audit protocol. Therefore, the Monitor cannot determine whether the CPD is in compliance with the MOA requirement that the audit report "assess the reliability and completeness of IIS's canvassing and interviewing of witnesses, preservation and analysis of the incident scene, and appropriateness of IIS's conclusions.

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Status Update

CCRP Audit

Inspections Section has reviewed the Citizen Complaint Resolution Process (CCRP) for the first quarter of 2005. Sixty-three (63) complaints were filed with the Department from January through March. A random audit of 24 cases was conducted on the closed investigations.

Inspections Section reviewed the following criteria:

- Ensure CCRP complaints were entered into the database and the case files were maintained in a central area for each district, section, and unit.
- Ensure necessary documentation was completed for each CCRP investigation.
- Ensure all files contained the appropriate documents.
- Ensure the investigating supervisor notified the complainant of the disposition and whether any corrective or disciplinary action was taken.

Additionally, Inspections Section randomly contacted complainants to evaluate whether their actions and views were accurately captured in the CCRP reports.

The audit revealed that all CCRP investigations reviewed were in compliance with the criteria set forth above.

A summary of the audit was prepared on April 14, 2005, and is included in Appendix Item 22.

IIS Audit

No IIS audit was required for this quarter. The Monitor's comments regarding documentation of IIS audits are being evaluated for standardizing the process.

The CPD also had conversations with representatives from both the City and County Prosecutor's Offices to discuss individual and/or collective officer performance issues. Both Mr. Ernest McAdams, from the City Prosecutor's Office, and Mr. Karl Kadon, from the Hamilton County Prosecutor's Office, stated there are currently no areas of concern pertaining to officer, shift, or unit performance. A copy of the memo relating to this issue is included in Appendix Item 23.

C. Video Cameras

MOA paragraphs 70-72 deal with video camera requirements.

Monitor's Previous Assessment

At present, not all police vehicles are outfitted with MVR cameras. According to the CPD's MOA Status Report, there are 36 marked patrol vehicles without MVRs. Therefore, the CPD is still not yet in full compliance with paragraph 70.

With respect to supervisory reviews of MVR tapes, paragraph 72 states that the CPD should conduct the periodic random reviews "for training and integrity purposes," and for supervisors conducting the reviews to "document their activity in a log book." One way to record any interventions resulting from the supervisors' random reviews of MVR tapes is by having the supervisors include such interventions in the log books when they document their reviews. The CPD is in partial compliance with paragraph 72.

Status Update

Video Camera Implementation

Currently, all but 24 of the CPD's 236 marked units are equipped with a MVR/DVR. Due to budgetary constraints, there will be no additional systems installed until a funding source can be identified.

MVR Review

In early May, the CPD standardized its supervisory review of MVR/DVR tapes/discs. Supervisors are now required to document their reviews daily on a newly created form. The form will capture interventions resulting from these random reviews. A copy of this form is included in Appendix Item 24.

D. Police Communications Technology

MOA paragraphs 73 and 74 relate to police communications technology.

Monitor's Previous Assessment

The Monitor found the CPD to be in compliance with these provisions.

Status Update

PROJECT UPDATE:

Project Name:	Radio Replacement – 800 MHz Project
Project Manager:	Captain Kenneth S. Jones
Project Description:	Department transition from a 400 Analog System to an 800 MHz System.
Date initiated:	August 2002
Due Date:	April 2005
Objectives:	Develop radio channel template. Completed February 2005 Train Sworn and Non-Sworn Personnel: Scheduled March 2005 Replace Issued Radio Equipment: Scheduled April 2005
Activate System:	Scheduled April 27, 2005
Accomplishments:	Motorola estimates completion of the infrastructure during March 2005. Delays in system activation resulted from Federal

Communication Commission's permit requirements delaying the construction of necessary towers in Northern Kentucky.

2005 Goal: Department transition to 800 MHz system by May 1, 2005. Training of all personnel prior to transition is scheduled for April 2005.

Status: Training of all Department personnel was completed on April 29, 2005.

Project Name: Regional Operation Center: 2000 Radcliff Drive

Project Manager: Captain Kenneth S. Jones

Project Description: Renovation of an existing office building/warehouse into a state-of-the-art Communications Center, Regional Emergency Operations Center and office space for other personnel.

Date initiated: August 2002

Due Date: November 2005

Objectives: To activate a state-of-the art Communications Center.

Accomplishments: Construction of the initial building renovations has been completed. Communications equipment and related phone lines have been installed and are awaiting connection to the 800 MHz system.

Communications personnel will activate and establish occupancy of the facility in two phases. Emergency Call Service (911 Calls) will be in operation during March 2005. Dispatch functions will be transferred and operational on or about April 29, 2005.

Expansion of the facility has resulted in the construction of the Cincinnati-Hamilton County Regional Emergency Operations Center. Construction is scheduled for completion during the fourth quarter of 2005. Additional units now housed at the facility include the Terrorism Early Warning Group.

2005 Goal: Relocation of present Communications Center operation by May, 1, 2005.

Status: Regional Operations Center will be fully operational on May 3, 2005.

Project Name: **Enhanced Security: Regional Operational Center**

Project Manager: Captain Kenneth S. Jones

Project Description: Installation for an enhanced security system at the Regional Operations Center. Security system to be designed to lessen potential structural assault on infrastructure of the Communications Section and Emergency Operation Center and installation of a high grade surveillance system.

Date initiated: April 1, 2005

Due Date: January 2006

Objectives: To locate and obtain funding for project.

Status: Funding for the project has been requested through the Terrorist Early Warning Group Committee for consideration of UASI funds.

Project Name: **Spinney Field Communications Back-Up Site**

Project Manager: Captain Kenneth S. Jones

Project Description: Relocation of Communications Back-Up Site from Martin Drive Facility.

Date initiated: August 2002

Completed: February 2005

Objectives: To establish a functional back-up Communications Center that is technologically capable of meeting service demands in emergency conditions, and to secure funding for acquisition and installation of a fully redundant emergency 911 system into the facility through the UASI Grant Program.

Accomplishments: Construction related to renovations of the Back-up Site was completed in 2004. Training for two classes of new Communications employees has been conducted at the facility. Motorola and Telecommunications Department continue to install support hardware and software at the facility.

The facility now serves as the only Communications Section Back-up Site following structural damage resulting from a snow storm to the Martin Drive Facility.

2005 Goal: Ensure Back-up site is fully operational by April 1, 2005 with funding secured for the redundant emergency 911 system by January 2006.

Status: Funding for the project has been requested through the Terrorist Early Warning Group Committee for consideration of UASI funds.

Project Name: Emergency 911 Phone System Replacement

Project Manager: ESDS Ron Schuster

Date initiated: August 2002

Due Date: March 2005

Objectives: To install an upgraded phone system.

Accomplishments: Installation of a phone system into the new Communications Center. Cincinnati Bell / Palladium completed installation of the new phone system during December 2004. Training is scheduled for March of 2005.

2005 Goal: Ensure transition to new system without complication or disruption of public services.

Status: Replacement Emergency 911 Phone System was activated and fully operational on April 7, 2005.

Project Name: Computer Aided Dispatch (CAD) Replacement

Project Manager: Lieutenant Colonel Cindy M. Combs

Date initiated: April 2003

Due Date: April 2006

Objectives: To select an advanced CAD System for installation at the Regional Operations Center.

Accomplishments: A Request for Proposal for the purchase of the new CAD/RMS System was published in 2004. Three vendors were selected to provide further demonstrations of their products. Demonstrations occurred in January 2005. A final selection with implementation of the selected system is scheduled for the fourth quarter of 2005 or early 2006.

2005 Goal: Select vendor and sign contract for purchase/installation of system by May 1, 2005.

Status: A preferred vendor has been identified. Negotiation for purchase has been initiated.

Project Name: Training Enhancement

Project Manager: ESDS Beverly Allen

Date Initiated: February 15, 2005

Due Date: June 1, 2005

Objectives: Develop a comprehensive program to include monthly continuing education/training program.
Increase job proficiency through enhanced quality review by supervisors.
Develop simulation training program consistent with technology installed at the Regional Operations Center.

Status: A computerized Quality Review program has been developed and implemented at the Communications Section. The program identifies employee strengths and weaknesses, identifies patterns of conduct and ensures supervisory accountability. An enhanced training program has been developed by ESDS Beverly Allen and Lieutenant Jeffrey L. Butler, Jr. The proposed program is being reviewed prior to submission for approval. A projected initiation date of June 1, 2005, has been established.

E. Discipline and Promotional Policy

MOA paragraphs 75-76 are relevant to discipline and promotional policy.

Monitor's Previous Assessment

Tracking of Penalties

The Monitor states "the CPD has not had the capabilities to track electronically the disciplinary penalties imposed in each case where a violation of policy has been sustained. Now that the ETS system is in process of being implemented, however, we expect this data will be available, and the Monitor will be able to assess compliance."

CCA Outcomes versus IIS Outcomes

The Monitor raised the concern in prior Reports regarding those cases where the CCA sustained an allegation that was determined by the CPD to be not

sustained, exonerated, or unfounded. “While the City has stated that the City Manager is now reviewing both sets of investigative files to make her final determination, it is not clear that the City resolved this issue for prior cases with conflicting findings. Therefore, the City is not yet in full compliance with these MOA provisions.”

Status Update

Tracking of Penalties

The tracking of penalties has been available through ETS since early 2005.

CCA Outcomes versus IIS Outcomes

The CCA is currently “marrying up” the CPD’s 2004 database with their database. The result will be a spreadsheet identifying cases with conflicting findings. The City Manager will then address those cases.

VII. TRAINING

A. Use of Force – Management Oversight and Curriculum

MOA paragraphs 77 – 87 are relevant to management oversight of training and training curriculum.

Monitor's Previous Assessment

The CPD remains in compliance with these provisions.

Status Update

All sworn officers attended yearly in-service training. Included in the two day training for police officers and police specialists was a segment on tactical skills training. The focus of the tactical skills training dealt with Procedures 12.545, Use of Force; 12.600, Prisoners: Securing, Handling & Transporting; and 12.535, Emergency Operations of Police Vehicles & Pursuit Driving.

During the tactical review session, officers went over handcuffing and PR24 techniques and proper ground stabilization. During the Simmunitions and FATS (Firearms Training Simulator) sessions, officers were given shoot/don't shoot scenarios, which included the use of the TASER.

In addition, use of force was covered multiple times in the Roll Call Training Program.

Based on input from the various training sessions, the Police Academy conducted another needs assessment for training. Various training items were discussed at the Training Committee meeting held on January 27, 2005. A summary of the meeting is included in Appendix Item 25.

B. Handling Citizen Complaints

MOA paragraph 82 is relevant to citizen complaint training.

Monitor's Previous Assessment

The Monitor stated he will observe and assess in-service training in this area in future quarters.

Status Update

New supervisors' training is scheduled for June 6 thru June 24, 2005.

C. Leadership/Command Accountability Training

Monitor's Previous Assessment

The Monitor found the CPD to be in compliance with this MOA provision.

Status Update

Captain Douglas Weisman is currently attending the Southern Police Institute Administrative Officer's Course. Captain Eliot Isaac is currently attending the FBI Academy in Quantico, Virginia.

D. Canine Training

MOA paragraph 84 is relevant to canine training

Monitor's Previous Assessment

The Monitor has determined that the CPD is in compliance with the MOA training provisions.

Status Update

Nothing to report.

F. Scenario Based Training

MOA paragraph 85 is relevant to scenario-based training.

Monitor's Previous Assessment

The CPD remains in compliance with this provision.

Status Update

During the first quarter of 2005, the CPD provided 1,692.6 hours of Roll Call Training. Several new scenarios taken from CPD incidents were added to the library. Other areas reviewed include:

- Less than Lethal Projectiles
- Search and Seizure
- Canine Operations
- Transporting Dangerous Prisoners

The Roll Call Training calendars and summary for this quarter have been included in Appendix Items 26 and 27.

E. Revised Training Based on Review of Civil Lawsuits Pertaining to Officer Misconduct

MOA paragraph 86 is relevant to training based on civil lawsuits.

Monitor's Previous Assessment

The CPD is in compliance with this provision.

Status Update

The quarterly meeting between the City Solicitor's office and the CPD took place on April 18, 2005. The following items were discussed:

- The CPD's legal liaisons discussed the in-service training recently held for police officers and police specialists. Information on positional asphyxia was provided as part of this training.
- Upcoming FTO, MHRT, New Sergeants, and Neighborhood Code Enforcement Response Team (NCERT) training was discussed.
- Updates were given on five court cases involving the CPD.

The minutes from the meeting have been included in Appendix Item 28.

G. Orientation to the MOA

MOA paragraph 87 is relevant to MOA orientation training.

Monitor's Previous Assessment

The City remains in compliance with this provision.

Status Update

The annual in-service training for supervisors and officers occurred in the fourth quarter of 2004 and the first quarter of 2005. A block of instruction centered on overviews and updates on the MOA and CA.

H. Field Training Officers

MOA Paragraphs 88-89 deal with the training of field training officers.

Monitor's Previous Assessment

The City remains in compliance with this provision.

Status Update

There was no FTO Committee meeting this quarter. An eight hour in-service training for current FTOs is scheduled for May 1, 2005. A 40-hour course for new FTOs is scheduled for the week of May 23, 2005.

I. Firearms Training

MOA paragraphs 90-91 are relevant to firearms training.

Monitor's Previous Assessment

The CPD remains in compliance with these MOA provisions.

Status Update

Annual Firearms Familiarization training began in March. Firearms qualifications will follow that training.

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